

REMARKS

The Final Office Action of October 4, 2005, and the Advisory Action of December 22, 2005, have been received and reviewed.

Claims 1-26 are currently pending and under consideration in the above-referenced application. Of these, claims 16 and 24 recite allowable subject matter, while claims 1-15, 17-23, 25, and 26 stand rejected.

It is proposed that claims 1, 7, 11, and 19 be amended, without prejudice or disclaimer, to incorporate limitations from claims 16 and 24. It is also proposed that claims 16 and 24 be canceled without prejudice or disclaimer.

Reconsideration of the above-referenced application is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1-3, 5-9, 11-14, 17, and 18 are rejected under 35 U.S.C. § 102(b) for reciting subject matter which is purportedly anticipated by that described in U.S. Patent 5,844,251 to MacDonald et al. (hereinafter “MacDonald”).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference which qualifies as prior art under 35 U.S.C. § 102. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

It is proposed that independent claims 1 and 7 be amended to recite field emission tips with tapered portions that comprise redeposited material and that independent claim 11 be amended to recite a field emission array which includes at least one surrounding element that comprises redeposition material and that surrounds at least a portion of at least one substantially pointed tip.

As noted at page 9 of the Office Action dated March 18, 2005, MacDonald does not expressly or inherently describe a tapered portion or a surrounding element comprising redeposition, or redeposited, material.

Accordingly, each of independent claims 1, 7, and 11, as proposed to be amended, recites subject matter that is not anticipated by the disclosure of MacDonald under 35 U.S.C. § 102(b).

Claims 2, 3, 5, and 6 are each allowable, among other reasons, for depending directly from claim 1, which is allowable.

Claims 8 and 9 are both allowable, among other reasons, for depending directly from claim 7, which is allowable.

Each of claims 12-14, 17, and 18 is allowable, among other reasons, for depending directly or indirectly from claim 11, which is allowable.

Withdrawal of the 35 U.S.C. § 102(b) rejections of claims 1-3, 5-9, 11-14, 17, and 18 is respectfully solicited.

Rejections under 35 U.S.C. § 103(a)

Claims 4, 10, 15, 19-23, 25, and 26 stand rejected under 35 U.S.C. § 103(a).

The standard for establishing and maintaining a rejection under 35 U.S.C. § 103(a) is set forth in M.P.E.P. § 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

MacDonald in View of Jones

Claims 19-22, 25, and 26 stand rejected under 35 U.S.C. § 103(a) for reciting subject matter which is assertedly unpatentable over the subject matter taught in MacDonald, in view of teachings from U.S. Patent 5,647,785 to Jones et al. (hereinafter "Jones").

It is proposed that independent claim 19 be amended to recite a field emission display that includes at least one surrounding element that comprises redeposition material and that surrounds at least a portion of at least one substantially pointed tip.

It is respectfully submitted that a *prima facie* case of obviousness has not been established against any of claims 19-22, 25, or 26. This is because, as indicated at page 9 of the Office Action dated March 18, 2005, neither MacDonald nor Jones teaches or suggests a surrounding element comprising redeposition material, as is required by amended independent claim 19. Thus, under 35 U.S.C. § 103(a), the subject matter recited in independent claim 19 is allowable over the subject matter taught in MacDonald and Jones.

Claims 20-22, 25, and 26 are each allowable, among other reasons, for depending directly from claim 19, which is allowable.

MacDonald in View of Yeh

Claims 4, 10, and 15 have been rejected under 35 U.S.C. § 103(a) for reciting subject matter which is allegedly unpatentable over teachings from MacDonald, in view of the teachings of U.S. Patent 5,897,371 to Yeh et al. (hereinafter “Yeh”).

Claims 4, 10, and 15 are each allowable, among other reasons, for depending indirectly from claims 1, 7, and 11, respectively, which are allowable.

MacDonald in View of Jones and Yeh

Claim 23 is rejected under 35 U.S.C. § 103(a) for reciting subject matter that is purportedly unpatentable over the subject matter taught in MacDonald, in view of teachings from Jones and, further, in view of the teachings of Yeh.

Claim 23 is allowable, among other reasons, for depending indirectly from claim 19, which is allowable.

It is respectfully requested that the 35 U.S.C. § 103(a) rejections of claims 4, 10, 15, 19-23, 25, and 26 be withdrawn.

ENTRY OF AMENDMENTS

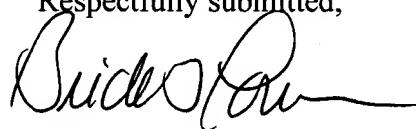
Entry of the proposed amendments is respectfully requested. None of the proposed claim revisions introduces new matter or would require an additional search. Moreover, by incorporating subject matter that the Office has indicated to be allowable into the independent claims, the only remaining issues have been addressed.

In the event that the proposed claim amendments are not entered and considered, entry thereof upon the filing of a Notice of Appeal in the above-referenced application is respectfully requested.

CONCLUSION

It is respectfully submitted that each of claims 1-15, 17-23, 25, and 26 is allowable. An early notice of the allowability of each of these claims is respectfully solicited, as is an indication that the above-referenced application has been passed for issuance. If any issues preventing allowance of the above-referenced application remain which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,



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